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#### REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested. Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

#### Status of Claims

Claims 1-22 remain pending in the application. Claims 1-22 have been rejected. Claims 7 and 15 have been amended in order to further define what the Applicant considers to be the invention. Claims 2 and 22 have also been amended. Applicant respectfully asserts that no new matter has been added.

#### 35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 1, 3-5, 7-8, 11, and 13-15 under 35 U.S.C. § §103(a) as being unpatentable over Faulkner et al. US 6,385,297 (hereinafter "Faulkner") in view of Posthuma US 6,496,566 (hereinafter "Posthuma '566").

Further, the Examiner rejected claims 2 and 12 under 35 U.S.C. § §103(a) as being unpatentable over Faulkner in view of Posthuma '566 and further in view of Charland US 5,550,894.

Further, the Examiner rejected claims 6 and 9 under 35 U.S.C. § §103(a) as being unpatentable over Faulkner in view of Posthuma '566 and further in view of Schneider US 6,215,855.

In the Office Action, the Examiner rejected claim 10 under 35 U.S.C. § §103(a) as being unpatentable over Faulkner in view of Posthuma '566 and further in view of Posthuma US 6,456,694 (hereinafter "Posthuma '694").

Applicant respectfully traverses the rejections of claims 1-15 under 35 U.S.C. § 103(a), because a prima facie case of obviousness has not been established. As is well established, in order to establish a prima facie case of obviousness, the prior art

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references must teach or suggest all the claim limitations. Applicant respectfully submits that the combination of Faulkner and Posthuma '566 fails to teach or suggest all the elements of the claimed invention.

Faulkner discloses a measurement unit for testing twisted pair and for measuring magnitude and phase of the voltage at nodes of the tip and ring wires. The line to be tested is disconnected from the switch and connected to the measurement unit instead as clearly described at col. 6, lines 20-24:

"The unit 18 gains access to test a subscribers loop through a switched test bus located in the switching element 12.

The switched test bus disconnects the line to be tested from the switch 12, and connects it to the measurement unit 18."

Posthuma '566 discloses a test system for tip-ring pairs and a method of testing lines that are disconnected from the switch. Two sets of relays are responsible for connecting and disconnecting the lines from the line cards. Fig. 4 clearly indicates, at box 405, that the first operation is to "set relays to disconnect voice line card and to connect voice switch metallic test unit". Further Posthuma '566 recites at col. 2, lines 46-49, as follows:

"[A] first set of relays configured to disconnect the subscriber loop from voice on the line card when testing is performed."

Accordingly, neither Faulkner nor Posthuma '566, alone or combination teach or discloses the feature of "said telephone line interconnects a telephone line card with a subscriber" as recited by claim 1. Further, neither Faulkner nor Posthuma '566, alone or combination teach or discloses the feature of "without disconnecting said active telephone lines from their respective telephone line cards" as recited by claim 7. Therefore claims 1 and 7 are allowable over the combination of Faulkner and Posthuma '566.

Further, the method and system disclosed by Faulkner are designed to performing line tests only on disconnected lines and the measurement test of Faulkner would be inoperable if the lines were connected.

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Moreover, the measurement device of Faulkner includes a voltage source (30) adapted to have its frequency swept in response to a signal fed thereto by a controller, a pair of balanced resistors R1 and R2 to isolate resistance imbalance between the pair of wires, T and R, and a pair of voltmeters (22 and 24). The impairment test is done by the voltmeters as indicated by the following recitation.

"Voltmeters 22 and 24 are provided to measure both the magnitude and the phase of the voltage at the node NT of the tip wire and the node NR of the ring wire R, respectively" (see col. 8, line 67 to col. 9, line 3).

As clearly shown by Fig. 2 of Faulkner, a first terminal of the measurement device is connected to the tip wire at node NT (see the line exiting voltmeter 24) and a second terminal of the measurement device is connected to the ring wire at node NR (see the line exiting voltmeter 22).

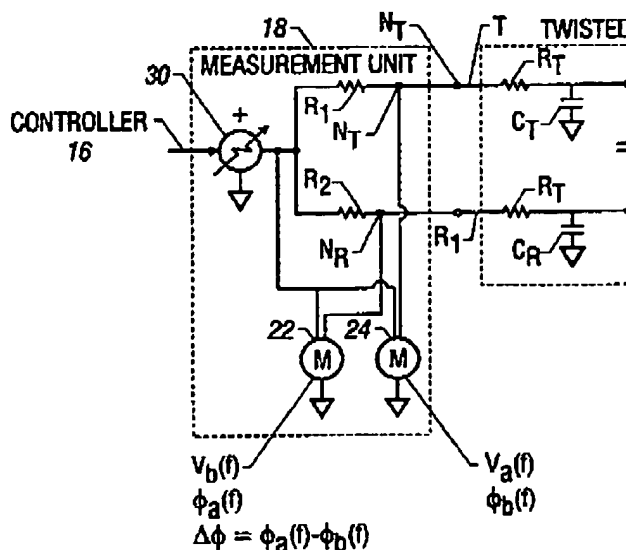


FIG. 2

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Accordingly, Faulkner does not teach or discloses "electrically connecting a first terminal of a measurement device to both wires of a twisted wire pair of a telephone line", as recited by claim 1.

Each of dependent claims 3-5, 8, 11 and 13-15 depends, directly or indirectly, from one of independent claims 1 and 7, and includes all the features of the claim from which it depends as well as additional distinguishing features. Therefore, at least for the reasons discussed above, Applicants believe that dependent claims 3-5, 8, 11 and 13-15 are allowable.

Regarding claims 2 and 12, the claims are dependent from claims 1 and 7 respectively. As discussed above, the combination of Faulkner and Posthuma '566 does not teach or discloses all elements of independent claims 1 and 7. Charland cannot cure the deficiencies of Faulkner and Posthuma '566 and therefore claims 1 and 7 are allowable over the combination of Faulkner, Posthuma '566 and Charland. Likewise, claims 2 and 12 which include all the limitations of one of independent claims 1 and 7 as well as additional distinguishing elements, are allowable over the combination of Faulkner, Posthuma '566 and Charland.

Regarding claims 6 and 9, the claims are dependent from claims 1 and 7 respectively. As discussed above, the combination of Faulkner and Posthuma '566 does not teach or discloses all elements of independent claims 1 and 7. Schneider cannot cure the deficiencies of Faulkner and Posthuma '566 and therefore claims 1 and 7 are allowable over the combination of Faulkner, Posthuma '566 and Schneider. Likewise, claims 6 and 9 which include all the limitations of one of independent claims 1 and 7 as well as additional distinguishing elements, are allowable over the combination of Faulkner, Posthuma '566 and Schneider.

Regarding claim 10, Posthuma '694 is directed to a method and system for determining the high speed data service capability of a subscriber that includes sending an embedded test signal to the subscriber line via the switch module and line card (see abstract and col. 3., lines 9-16). In contrast the test equipment of Faulkner is configured to perform the impairment test only on disconnected lines. Accordingly the

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combination of Faulkner and Posthuma '694 is improper as combining the teaching of Posthuma '694 with the measuring device of Faulkner would render the Faulkner measurement device inoperable.

Accordingly, Applicant respectfully requests that the rejections of claims 1-15 under 35 U.S.C. § 103(a) be withdrawn.

In the Office Action, the Examiner rejected claims 16 and 18-20 under 35 U.S.C. § §103(a) as being unpatentable over Faulkner in view of Posthuma '694.

Further, the Examiner rejected claim 17 under 35 U.S.C. § §103(a) as being unpatentable over Faulkner in view of Posthuma '694 and further in view of Charland.

Further, the Examiner rejected claim 21 under 35 U.S.C. § §103(a) as being unpatentable over Faulkner in view of Posthuma '694 and further in view of Posthuma '566.

Further, the Examiner rejected claim 22 under 35 U.S.C. § §103(a) as being unpatentable over Faulkner in view of Posthuma '694 and further in view of Mohajeri US 6,850,618.

As discussed above, Applicant respectfully assert that the combination of Faulkner and Posthuma '694 is improper as combining the teaching of Posthuma '694 with the measuring device of Faulkner would render the Faulkner measurement device inoperable.

Further Applicant respectfully submits that even if the combination was proper, neither Faulkner nor Posthuma '694, alone or in combination, teaches or suggest at least "a configuration unit coupled to said line selector unit and to said line status detector and able to electrically connect a first terminal of a measurement device to both wires of a twisted wire pair of a selected telephone line and a second terminal of said measurement device to a common reference when said selected telephone line is identified as an active telephone line", as recited by claim 16.

As discussed above, Faulkner discloses a measurement device having a first terminal connected to the tip wire at node NT and a second terminal connected to the ring wire at node NR. Posthuma '694 discloses sending an embedded test signal to a

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subscriber line and analyzing a reflected signal in order to determine the high speed data service capabilities of the subscriber line. Therefore, neither Faulkner nor Posthuma '694 teaches or suggest at least "electrically connect a first terminal of a measurement device to both wires of a twisted wire pair of a selected telephone line and a second terminal of said measurement device to a common reference", as recited by claim 16. Accordingly, independent claim 16 is allowable over the combination of Faulkner and Posthuma '694.

Claims 18-20 depend from claim 16. Accordingly, claims 18-20 which include all the limitations of independent claim 16 as well as additional distinguishing elements are allowable over the combination of Faulkner and Posthuma '694.

Regarding claims 17, 21 and 22 the claim is dependent from claim 16. The combination of Faulkner and Posthuma '694 does not teach or discloses all elements of independent claim 16. Charland cannot cure the deficiencies of Faulkner and Posthuma '694 and therefore claim 16 is allowable over the combination of Faulkner, Posthuma '694 and Charland. Accordingly, claim 17 which includes all the limitations of claim 16 as well as additional distinguishing elements, is allowable over the combination of Faulkner, Posthuma '694 and Charland.

Posthuma '566 cannot cure the deficiencies of Faulkner and Posthuma '694 and therefore claim 16 is allowable over the combination of Faulkner, Posthuma '694 and Posthuma '566. Accordingly, claim 21 which includes all the limitations of claim 16 as well as additional distinguishing elements, is allowable over the combination of Faulkner, Posthuma '694 and Posthuma '566.

Mohajeri et al. cannot cure the deficiencies of Faulkner and Posthuma '694 and therefore claim 16 is allowable over the combination of Faulkner, Posthuma '694 and Mohajeri et al. Accordingly, claim 22 which includes all the limitations of claim 16 as well as additional distinguishing elements, is allowable over the combination of Faulkner, Posthuma '694 and Mohajeri et al. .

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In view of the above, Applicant respectively requests that the rejections of claims 16 -22 under 35 U.S.C. § 103(a) be withdrawn.


### CONCLUSION

In view of the foregoing amendments and remarks, the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Aside from the petition for a 2-Month Extension of Time, being requested separately, no fees are believed associated with this paper. However, if any such fees are due, please charge such fees to deposit account No. 50-3355.

Respectfully submitted,



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